

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

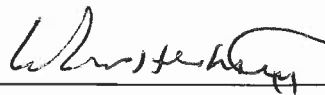
JAMES ALAN JOHNSON,	:	
Plaintiff,	:	
	:	Case No. 3:10cv00400
	:	
vs.	:	District Judge Walter Herbert Rice
	:	Magistrate Judge Sharon L. Ovington
DONALD PATTERSON, et al.,	:	
	:	
Defendants.	:	
	:	

DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATIONS FILED ON OCTOBER 27, 2010 (Doc. #3); DISMISSING PLAINTIFF'S COMPLAINT (Doc. #2); CERTIFYING PURSUANT TO 28 U.S.C. §1915(a)(3) THAT AN APPEAL OF THIS DECISION AND ENTRY WOULD NOT BE TAKEN IN GOOD FAITH; AND TERMINATING THE CASE ON THE DOCKET OF THIS COURT

The Court has conducted a de novo review of the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #3), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby **ADOPTS** said Report and Recommendations. It is therefore **ORDERED** that:

1. The Report and Recommendations filed on October 27, 2010 (Doc. #3) is ADOPTED in full;
2. Plaintiff James Alan Johnson's Complaint (Doc. #2) is DISMISSED without prejudice to refile in state court;

3. Pursuant to 28 U.S.C. §1915(a)(3), the Court certifies that an appeal of this Decision and Entry would not be taken in good faith and, consequently, leave to appeal in forma pauperis is denied; and
4. The case is terminated on the docket of this Court.



Walter Herbert Rice
United States District Judge